

July 6, 2005

Docket No.05-015-1
Regulatory Analysis and Development, PPD
APHIS, Station 3C71
4700 River Road Unit 118
Riverdale MD 20737-1238

RE: U.S. DEPARTMENT OF AGRICULTURE (USDA) ANIMAL & PLANT HEALTH INSPECTION SERVICE (APHIS); NATIONAL ANIMAL IDENTIFICATION SYSTEM (NAIS) [DOCKET NO. 05-015-1].

The New Mexico Cattle Growers Association (NMCGA), representing livestock producers in New Mexico as well as 13 other states appreciates the opportunity to comment on the above captioned rule making.

NMCGA recognizes the importance of an animal identification and tracking system in order to maintain high health standards in the U.S. cattle herd and to provide the public assurances of a safe and healthy product. The confirmation of bovine spongiform encephalopathy in a cow in Texas will increase the political pressure to move the Draft Strategic Plan deadline of a mandatory system by January 2009 forward. The integrity of the animal identification and tracking system could be compromised if it is implemented before a comprehensive review and analysis of the current pilot projects is completed. The states and tribes that are conducting these projects are not due to report their findings until the end of 2005. New Mexico is participating as a part of the Tri-National Livestock and Animal Health Consortium. Early indications are that low frequency tags and readers have definite system limitations that raise questions of their effectiveness under open rangeland situations. Premise registration in New Mexico has been at a standstill because of the inability of the USDA system to recognize most producers' physical addresses. More consideration should be given to those states with brand laws that have an existing data base and utilizing these systems. The premises ID phase of the NAIS is the foundation of the entire animal identification system. Until producers can routinely register a premise with no hassles or complications, the entire system cannot move forward.

In the comments that follow, NMCGA address the various questions that were posed regarding NAIS. However, NMCGA believes the following points are key as the development of national animal identification progresses:

- Care must be taken to insure that a system is not created before all of the problems are worked out. This issue must not be driven by political or public pressure.
- All domestic individual animal identification programs must remain voluntary until key barriers to compliance are overcome.
- Producers must not bear the financial or reporting burden of a national animal ID system.
- There should be no private holder of data. Data should be held by states with only federal or state animal health officials having access to the system.
- Only information necessary to trace an animal's movement in the event of a disease outbreak should be allowed into the NAIS.
- Confidentiality of data must be guaranteed.
- Existing tracking systems such as brands must be incorporated into the NAIS to avoid duplication and additional costs. States with brand laws already have the ability to trace animals in less than 48 hours. NMCGA supports the desires of producers of other species to utilize systems existing within their industries, such as the scrapie system recently put in place by the US sheep industry.
- All species should be required to follow the same implementation timeline.

- Marrying tag numbers to premises early in the process as envisioned in the draft eliminates flexibility for those who manage multiple premises and/or those who have extremely small numbers of animals.
- Who will enforce the rule prohibiting tag removal?

Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs?

The NMCGA maintains that all domestic individual animal identification programs remain voluntary until key barriers to the compliance to national id systems are overcome. Some of the barriers that NMCGA recognizes include cost of the system to the producer, interrupting the natural flow of commerce, and the issue of confidentiality.

One of the first issues raised at producer meetings throughout New Mexico is “How much will it cost me?” The impact of this system will be more directly felt by the industry than any other stakeholder. Focusing on least cost solutions that closely track existing marketing practices is essential.

For an animal tracking system to be successful it must not impede the natural flow of commerce. Forcing producers to tag animals or to report movements outside of established animal industry practices will not be as efficient as utilizing industry driven solutions.

The issue of confidentiality, whether real or perceived, remains one of the biggest objections by New Mexico producers to the animal identification program. These concerns are equally directed at a government held or a privately held data base. A government held data base must be able to hold any stored information absolutely confidential and not subject to the Freedom of Information Act. New Mexico producers also do not support information on their operations being held by private companies that could in turn use that for their own use or profit. Only federal or state animal health officials should have access to the system. It is essential that only that information necessary to trace animals for control of disease be required. Any additional uses of a radio frequency ear tag system for herd improvement or production data must be kept out of the required data field.

In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premise where they are to be commingled with other animals, such as a sales barn. At what point and how should compliance be ensured?

The plan must, first and foremost be practical and cost effective for the individual livestock producer. Animals should not be required to be individually identified until they leave their premise of origin. Producer identification could be at birth, at branding, at weaning or upon shipment. The plan must allow the producer to incorporate the new ID practice into existing livestock handling or processing procedures. Producers should have the flexibility to place the ID device in or on an animal at the first point of concentration, such as auction markets or feed yards. Compliance should be left to the state animal health officials. Brand states such as New Mexico already have regulations in place that effectively allow state officials to monitor and control movement.

In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animals left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus the Draft Program Standards document contains an option for tagging sites. Do you think this is a viable option?

Allowing for animals to be tagged at authorized premises will be essential for the program to succeed. Many New Mexico premises do not have adequate facilities to tag animals. To require that all animals be identified before movement from such places would interrupt the natural flow of commerce and cause serious compliance problems. Allowing animals to move to auction barns, feed yards or other authorized premises to be tagged upon arrival and before co-mingling with other animals would most mirror the natural flow of commerce.

The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller. In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most timely manner?

Compliance should be insured by state regulation. Each state has its own rules and regulations for enforcing interstate and intra state livestock movement. State animal health officials are the logical entities to enforce compliance with a national animal identification system. The reporting of movement between buyer and seller into the NAIS must be the responsibility of the buyer. Only the buyer knows the ultimate destination of the livestock. Multiple methods of reporting must be developed. Internet, file transfer, mail, telephone or third party transfer of information all must be allowed. What is practical and cost effective for one producer will not work for another.

Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive or not aggressive enough?

The current state and tribal pilot projects will surface problems with the plan as now proposed. These projects will also identify avenues that show promise but will need further study. The ideal solution would be to proceed to develop a national identification system with no artificial deadlines. The discovery of BSE in a Texas cow, trade talks, and public health concerns will apply pressure for a more aggressive timeline. Additional consideration should be given as to how to incorporate brand states data base and movement control regulations into the NAIS. Brand states are able to identify premises and contact the owner or his agent in emergencies in less than the 48 hour trace back goal. However the states method of identifying the premise is not necessarily consistent with the NAIS premise id.

Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed?

The introduction a foreign animal disease in any species has the potential to interrupt international trade for all species. Many diseases such as Foot and Mouth affect multiple species, other diseases are serious human health risks, therefore, the plan should be implemented for all species within the same timelines. The different species working groups and industries should be responsible for developing a plan for that species.

What are the most cost-effective and efficient ways for submitting information to the data base?

There should be multiple methods for submitting the information to the data base. Data should be able to be submitted via the internet, private herd management computer system transfers, by mail, by telephone, through third parties, or state brand inspection officials. No single method will fit all segments of the industry.

What specific information do you believe should be protected from disclosure and why?

The only information that should be allowed into the NAIS is that information necessary to trace an animal's movement in the event of a disease outbreak. This would include the premises that the animal has been associated with and contact information for the owner or manager of those premises. Information relating to the animals sex, breed, and performance data should not be collected or stored in the system. Leaving this additional information out of the NAIS data base insures that no market manipulation can take place. Further the information that is collected should be available to only state and federal animal health officials in the event of a disease outbreak.

The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these records?

Record keeping at the cow/calf level should be market driven. Calving dates, vaccination records, feed records are information most producers recognize as essential demanding a premium price. The NAIS records should only require an individual animal identification number, the premise identification number and the owner/manager contact information. Reporting of a change in ownership or premise should be the responsibility of the buyer or receiving facility. It is common for calves to be sold to one buyer who then in turn sells to another while the animals are in transit. Only the receiving station can accurately record the final destination.

Should the data repositories be maintained by APHIS or a industry-led privately managed database group?

Little information is available at this time about the costs that may be incurred by the producers in a government held data base. Even less is known about the costs associated with a private database company. Cost/benefit analysis should be done by USDA so that producers, state and federal regulatory agencies may make informed decisions. Tags, readers and computers will be only a fraction of the cost. Developing and maintaining the National Premises Information Repository and the National Animal Records Repository will be the main costs to the program. At producer meetings in New Mexico, the prevailing attitude has been that these costs should be born by the USDA.

In New Mexico, most of the required information is already held by the state veterinarian and the New Mexico Livestock Board. With minimal additional cost this information could be formatted in a form compatible with NAIS. Consideration should be given to a state controlled data base.

Thank you for the opportunity to provide this input in the rule-making process. NMCGA looks forward to future participation as the USDA develops a program that safeguards the health of US livestock, benefits producers and consumers while maintaining the economic viability of this nation's livestock industry.

Sincerely,
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